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\*\*E-filed 5/17/05\*\*

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Attorneys for Defendant EMC Corporation

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

HEWLETT-PACKARD COMPANY,  
HEWLETT-PACKARD DEVELOPMENT  
COMPANY, L.P.,

Plaintiffs,

v.

EMC CORPORATION,

Defendant.

Case No. C 04-04546 JF (HRL)

**STIPULATION FOR DISMISSAL OF ACTION  
WITH PREJUDICE (FRCP RULE 41) AND  
[PROPOSED] ORDER THEREON**

1 Plaintiffs Hewlett-Packard Company and Hewlett-Packard Development Company  
2 LP and Defendant EMC Corporation, through their respective counsel of record, hereby stipulate  
3 as follows:

- 4 1. This action and all claims and counterclaims asserted therein are dismissed with  
5 prejudice;
- 6 2. Each party shall bear its own costs and attorney's fees; and
- 7 3. This Stipulation shall be made an Order of the Court.

8  
9 Dated: May 3, 2005

BARTLIT BECK HERMAN PALENCHAR &  
SCOTT LLP

11  
12 By /s/ Christopher D. Landgraff /s/  
13 Christopher D. Landgraff  
Attorneys for Plaintiffs/Counterdefendants

14 Dated: May 3, 2005

ORRICK, HERRINGTON & SUTCLIFFE LLP

16  
17 By /s/ Todd M. Briggs /s/ for  
18 Chris R. Ottenweller  
Attorneys for Defendant/Counterclaimant

19  
20 I, Todd M. Briggs, am the ECF User whose identification and password are being  
21 used to file this Stipulation for Dismissal of Action with Prejudice (FRCP 41) and [Proposed]  
22 Order Thereon. Pursuant to General Order 45.X.B, I hereby attest that Christopher D. Landgraff  
23 of Bartlit Beck Herman Palenchar & Scott LLP, counsel for Hewlett-Packard Company and  
24 Hewlett-Packard Development Company, L.P., has concurred in this filing.

25 By /s/ Todd M. Briggs /s/  
26 Todd M. Briggs

**ORDER**

On the stipulation of the parties and good cause appearing therefor,

IT IS ORDERED that this action (Case No. C 04-04546 JF (HRL)) and all claims and counterclaims asserted therein are dismissed with prejudice. Each party shall bear its own costs and attorneys' fees.

Dated: 5/16/05

/s/electronic signature authorized

The Honorable Jeremy Fogel  
United States District Judge